



San Diego City Attorney **MICHAEL J. AGUIRRE**

NEWS RELEASE

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CITY COUNCIL MAY NOT LIMIT THE CITY ATTORNEY'S STATUTORY AND CHARTER AUTHORITY TO FILE LEGAL CASES

San Diego, CA— In a memorandum to the City Council, City Attorney Michael Aguirre informed Council members that they cannot limit his authority to file legal cases because they would be in violation of the City's Charter.

This afternoon, the San Diego City Council will vote on the Fiscal Year 2008 Budget Appropriation Ordinance (Item 205) which also includes language that seeks to limit the City Attorney's authority to file legal cases by requiring pre-approval by the City council, except in limited situations. It also would require the City Attorney to dismiss actions not approved by the Council.

The City Attorney's memorandum, which was e-mailed to Council members last Friday and hand-delivered to their offices this morning, states that the Council's proposed language is flawed in several ways:

- 1) The Council may not limit the City Attorney's authority, obligations, and duties as set forth in state law and Charter section 40;
- 2) The Appropriation Ordinance is intended as a vehicle to enact the budget and should not contain policy matters;
- 3) The proposed language infringes on the City Attorney's ability to protect the public interest; and
- 4) If this proposal is adopted, it will have no legal force or effect.

Councilmembers Donna Frye and Kevin Faulconer voted against incorporating the language into the Appropriation Ordinance.

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